

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AF HOLDINGS LLC,

No. C-12-2396 EMC

Plaintiff,

**ORDER RE FINAL JUDGMENT**

v.

JOE NAVASCA,

Defendant.  

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Previously, the Court issued an order granting AF's motion for voluntary dismissal but deferring entry of final judgment so that AF's counsel could produce to Mr. Navasca the original of an ADR certification that was e-filed by AF (purportedly signed by "Salt Marsh"). The Court noted that, if AF's counsel was not able to produce the original, then he would have to explain why not.

AF's counsel – currently Mr. Duffy – has now filed a declaration stating that he was unable to get a copy of the original because (1) Mr. Duffy was not counsel for AF at the time the ADR certification was signed and (2) when Mr. Duffy's attorney contacted the attorney for AF's prior counsel (Mr. Gibbs) about the original document, that attorney stated that Mr. Gibbs does not have the original. *See generally* Duffy Decl.; Vineyard Decl.

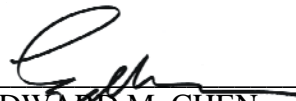
AF has also submitted a declaration from Mark Lutz, who states that he is a manager for AF. *See* Lutz Decl. ¶ 2. Mr. Lutz also states that "Salt Marsh is the name of the trust that owns AF." Lutz Decl. ¶ 2. According to Mr. Lutz, while Mr. Gibbs was representing AF, Mr. Gibbs would send to him "from time to time . . . certifications to sign on behalf of AF Holdings stating that I am

1 familiar with the ADR policies. My practice was to sign those certifications on behalf of the Salt  
2 Marsh Trust and return them to Mr. Gibbs.” Lutz Decl. ¶ 5.

3 Because AF’s counsel has now substantially complied with the Court’s order, the Court sees  
4 no basis to continue deferring a final judgment. **Accordingly, the Court hereby orders the Clerk**  
5 **of the Court to enter judgment in accordance with the Court’s order of April 23, 2013.** *See*  
6 Docket No. 76 (order). The Clerk of the Court shall also close the file in the case.

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8 IT IS SO ORDERED.

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10 Dated: May 21, 2013

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13 EDWARD M. CHEN  
14 United States District Judge  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AF HOLDINGS LLC,  
Plaintiff,

No. C-12-2396 EMC

v.

**JUDGMENT IN A CIVIL CASE**


JOE NAVASCA,  
Defendant.

( ) **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

(X) **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED that Judgment is entered in accordance with the **ORDER GRANTING PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL** filed on **April 23, 2013**. The Clerk of the Court is directed to close the file in this case.

Dated: May 21, 2013

  
EDWARD M. CHEN  
United States District Judge